

Series 4000 – Personnel

SP 4020(a)

All Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

The Sutter County Superintendent of Schools believes that the maintenance of drug and alcohol-free workplaces is essential to school and Sutter County Superintendent of Schools Office operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any county superintendent of schools workplace. These prohibitions apply before, during, and after work hours. A superintendent of schools workplace is any place where county superintendent of schools work is performed, any county-owned or county-approved vehicle used to transport students and staff to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under county office jurisdiction; or during any period of time when an employee is supervising students on behalf of the superintendent of schools or otherwise engaged in county office business.

The County Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the County Superintendent, within five days of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The County Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The County Superintendent may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

A classified employee may be reemployed after conviction of such an offense if the Superintendent determines, from the evidence presented, that the person has been rehabilitated for a least five years. (Education Code 45123)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

The Superintendent shall take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.

The Superintendent or designee shall establish a drug and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace.
2. The County Office policy of maintaining drug and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed on employees for drug and alcohol abuse violations.

(cf. 4159/4259/4359 – Employee Assistance Programs)

Legal Reference:

EDUCATION CODE

44011 *Controlled substance offense*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

UNITED STATES CODE, TITLE 20

7111-7117 *Safe and Drug Free Schools and Communities Act*

UNITED STATES CODE, TITLE 21

812 *Schedule of controlled substances*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

SP 4020(c)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

CODE OF FEDERAL REGULATIONS, TITLE 21
1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Board of Education of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>